

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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| <p>K-TEC,<br/>Plaintiff,<br/><br/>vs.<br/><br/>VITA-MIX,<br/>Defendant.</p> | <p>ORDER<br/><br/>Case No. 2:06-CV-108-TC</p> |
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Having considered the parties' motions for a scheduling order and the arguments made at the July 7, 2009, hearing, the court enters the following scheduling order:

1. By July 10, 2009, the parties must submit a list of all pending dispositive motions and a proposed schedule for completion of briefing on those motions.
2. By July 26, 2009, Vita-Mix will submit its preliminary invalidity contentions.
3. By August 3, 2009, the parties will exchange proposed terms for construction.
4. By August 13, 2009, the parties will simultaneously exchange their proposed claim construction.
5. By August 17, 2009, the parties shall submit their joint claim construction and prehearing statement.
6. By August 31, 2009, K-Tec shall file its opening claim construction brief.
7. By September 16, 2009, Vita-Mix shall file its responsive claim construction brief.
8. By September 28, 2009, K-Tec shall file its reply claim construction brief.

9. On October 5, 2009, the court will hold the claim construction hearing.
10. By October 26, 2009, the court will issue its claim construction order.
11. On October 29, 2009, at 2:30pm, the court will hold a status conference regarding the need for additional fact discovery. At the status conference the court will, if needed, set deadlines for the close of fact discovery and the close of expert discovery.
12. All dispositive motions must be filed by December 7, 2009.
13. An eight day trial is set for March 8, 2010.

**ORDER**

DATED this 8th day of July, 2009.

BY THE COURT:



TENA CAMPBELL  
Chief Judge